IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-11-2007

CORAM:

THE HONOURABLE MR.JUSTICE R.REGUPATHI

Crl.O.P.No.12723 of 2006
and
Crl.M.P.No.3353 of 2006

1. Tmt.Saroj Goyal
2. Sachin Goyal .. Petitioners

Versus

State rep by
its Inspector of Police
H-6, R.K. Nagar Police Station
Washermanpet
Chennai-21 .. Respondent.

Prayer: Petition filed under Section 482 Cr.P.C seeking for the reliefs as stated therein.

For Petitioner : Mr.K. Seshadri
For Respondent : Mr.P. Kumaresan APP

O R D E R

This petition is filed seeking for a direction to call for the records in Cr.No.333/2006 on the file of Inspector of Police, H.6, R.K. Nagar Police Station, Chennai-21 and quash the same.

2. The petitioner is an accused for the offence punishable under Secs.135(1)(a) and 135(1)(c) of the Indian Electricity Act 2003.

3. The learned counsel for the petitioner submits that the respondent police is not competent authority to lodge the complaint regarding the offences aforementioned in view of the specific provision in the Special Enactment made in Indian Electricity Act 2003 (Act 36 of 2003) and therefore has sought to quash the proceedings.

4. Heard the learned Additional Public Prosecutor.

5. I have perused the materials available on record. There is a specific provision in the amended Act which deals with the cognizance of the offence. Sec.151 reads as follows:

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"151. Cognizance of offences: "No Court shall take cognizance of an offence punishable under the Act except upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorised by them of Chief Electrical Inspector or an Electrical Inspector or the Licensee or the generating company, as the case may be, for this purpose".

6. In the present case, the respondent police is not an authorised person to register the case, investigate and file final report before the learned Magistrate and therefore, the respondent police do not have any jurisdiction to take up the case and investigate.

7. Under such circumstances, the case registered in Cr.No.333/2007 is without any authority and the proceedings are directed to be quashed. Accordingly, the petition is allowed. Consequently, the connected Crl.M.P is closed.

8. However, the aggrieved person, viz., the Tamil Nadu Electricity Board is at liberty to proceed against the petitioner in accordance with law.

sr

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police
   H-6, R.K. Nagar Police Station
   Washermanpet
   Chennai-21

2. The Public Prosecutor,
   High Court, Madras

+ One cc to Mr. K. Seshadri, Advocate SR 70601

BVR (co)
sg 11/12/07

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